



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

October 11, 2007

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Eric Buermann, Chair

Michael Collins

Charles Dauray

Shannon Estenoz

Nicolás Gutiérrez, Vice-Chair

Melissa Meeker

Patrick Rooney

Harkley Thornton

Malcolm Wade

1. **Call to Order** - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 9:05 am.

2. **Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board

Chair Buermann led the group in the Pledge of Allegiance.

3. **October Employee Recognitions** - Presented by Carol Wehle, Executive Director

Carol Wehle, Executive Director, recognized the October Team of the Month, two 30-year awards, one 35-year award and the October Employee of the Month.

4. **Recognition of Chandra S. Pathak, PhD., P.E., receiving American Society of Civil Engineers (ASCE) Fellows Grade Award** - Presented by Carol Wehle, Executive Director

Ms. Wehle presented Chandra Pathak the American Society of Civil Engineer's Fellows Grade Award.

5. **Agenda Addendum**

Annette Carter, Director, Governing Board and Executive Services, stated a agenda addendum had been published and copies were made available to the public. In addition, Item 14, U Pick Farms (Page 26, #5) was removed from the agenda and there was a change in the title for Item #44 as follows:

44. Issue a Consolidated Intent to Deny for Environmental Resource Permit Application 061023-1 and for a concurrent Request for Proprietary Authorization to Use Sovereign Submerged Lands for a project known as Bocilla Seaport Marina in Lee County.

6. Abstentions by Board Members from items on the Agenda

Mr Wade announced his abstentions: Regulatory Consent Agenda Item 14, Page 4; Peebles Ranch (Permit #22-00383W); Regulatory Consent Agenda Item 14, Page 5, Knowles Thomas Citrus Grove (Permit #26-00455W); Regulatory Consent Agenda Item 14, Page 16, Bryant Water Treatment Plant (Permit #50-01486W); Regulatory Consent Agenda Item 14, Page 10, Port Mayaca Plantation Phase 1 and 2, (Permit #43-00018S).

Mr. Gutiérrez announced his abstention: Regulatory Consent Agenda Item 14, Page 10; Port Mayaca Plantation Phase 1 and 2 (Permit #43-00018S).

7. Audit and Finance Committee Report - Charles Dauray, Chair

Mr. Dauray presented the report for the past two Audit and Finance Committee meetings and requested Board approve the Proposed Audit Plan for FY2008.

Motion made by Charles Dauray, seconded by Michael Collins to Approve the following item(s): 7

Vote called. Voting yes: Charles Dauray, Michael Collins, Eric Buermann, Shannon Estenoz, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

8. Project and Lands Committee Report - Harkley Thornton, Chair

Mr. Thornton did not provide a Projects & Lands Committee report because all Board members attended the meeting on 10/10/07.

9. Human Resources and Outreach Committee Report - Nicholas Gutierrez, Chair

There was no report provided. The Human Resources and Outreach Committee was postponed until December.

10. Water Resource Advisory Commission (WRAC) Report - Michael Collins, Chair

Mr. Collins provided the monthly report on the Water Resource Advisory Commission activities. Mr. Collins reported on the WRAC action items.

Consent Agenda

11. Public Comment on Consent Agenda

Public Comment: Newton Cook, representing the United Water Fowlers, provided comment on recreational access and supports Agenda Item 27.

12. Pull Items from Consent for Discussion from Governing Board Meeting Agenda

Chair Buermann pulled Agenda Item 20 from the the Consent Agenda to the Discussion Agenda.

Ms. Estenoz also requested Item 20 be pulled from the Consent Agenda to the Discussion Agenda.

13. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Water Resources

14. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Everglades Works of the District Permit Applications

Lake Okeechobee SWIM Works of the District Permit Applications

Denials

Consent Agreements

Environmental Resource Permit Extensions

Enforcement Actions

Page 9 No 2 Indian River Plantation Irrigation (WU): **Postponed**

Page 9 No 3 Jupiter Hills Club (WU): **Postponed** to November Board

Page 9 No 4 Lake Point Ranches (WU): **Postponed** to November Board

Page 10 No 5 Martin Preserve (FKA 322 Stuart) (ERP): **Postponed** to November Board

Page 11 No 3 Gabriel POU Property Project (NW 112th Avenue) (ERP): **Postponed** to November Board

Page 16 No 2 Boca del Mar Country Club (WU): **Postponed** to December Board

Page 17 No 5 Cypress Lakes Homeowners Association Inc (WU): **Postponed** to December Board

Page 17 No 7 Florida Polo (WU): **Removed** from Agenda

Page 21 No 4 St. Lucie West Services District Irrigation (WU): **Postponed** to November Board

Page 22 No 5 Tesoro (WU): **Postponed** to January Board

Page 23 No 4 TGI Fridays Restaurant No 294 (WU Denial): **Removed** from Agenda

Page 24 No 1 East Naples Community Park (WU Denial): **Removed** from Agenda

Page 25 No 1 Citrus Park RV Resort (WU Denial): **Withdrawn**

Page 25 No 4 Tropic Grove (WU Denial): **Withdrawn**

Page 26 No 6 Village of Cedar Bend (WU Denial): **Withdrawn**

Page 27 No 1 I-95 Farm (WU Denial): **Removed** from Agenda

Page 28 No 2 Sunshine Lake Apartments (WU Denial): **Removed** from Agenda

15. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

Right of Way Occupancy Permit Applications for Denial and Approval of New Permits:

Right of Way Occupancy Permit Applications Adjacent to C-13

16. Enter Final Orders Concurring with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Lower East Coast, Lake Okeechobee Service Area, Upper East Coast and Lower West Coast (Terrie Bates, ext. 6952)

17. Enter Final Orders Denying Applications for Variances from Water Shortage Restrictions Imposed within the Lower East Coast, Lake Okeechobee Service Area, Upper East Coast and Lower West Coast (Terrie Bates, ext. 6952)

18. 2007-1000 A Resolution of the Governing Board of the South Florida Water Management District creating Chapter 165, District Policy Code entitled "Scientific Data Management"; providing for inclusion in the District Policy Code; providing for severability; providing an effective date (Brian Turcotte, ext 6579)

21. 2007-1002 A Resolution of the Governing Board of the South Florida Water Management District approving a partial release of a 0.21 acre portion conservation easement for a project known as Jupiter Country Club (Palm Beach County); providing an effective date (Anita Bain, ext 6866)

22. 2007-1003 A Resolution of the Governing Board of the South Florida Water Management District approving a partial release of a 0.163 acre portion of a conservation easement for a project known as The Grace Place (Martin County); providing an effective date (Anita Bain, ext 6866)

Everglades Restoration Resources

23. 2007-1004 A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for Releases of District Canal, Mineral and Road Reservations, Releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and Issuance of Non-Use Commitments; providing an effective date. (Vinola Rada, ext. 6836)

- 24. 2007-1005** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 20 acres, more or less, in Miami-Dade County, Pennsuco Project, in the amount of \$170,000 and associated costs; for which dedicated funds (Lake Belt Mitigation) have been budgeted; approve declaring surplus, disposal of, and removal from the asset records any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing that this Resolution supersedes and replaces Resolution No. 2007-813; providing an effective date.(Barbara Katz, ext. 6837)
- 25. 2007-1006** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 5.0 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$275,000, and all associated costs for which dedicated funds (Florida Forever Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)
- 26. 2007-1007** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Florida Forever Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 5.0 acres for the C-111 Canal Project (L-31 North Acquisition Area) in Miami-Dade County, in the amount of \$275,000, and associated costs; providing an effective date. (Tom Hanaway, ext. 6668)
- 27. 2007-1008** A Resolution of the Governing Board of the South Florida Water Management District to approve the Recreational Management and Partnership Plan; providing an effective date. (Steve Coughlin, ext. 2603)
- 28. 2007-1009** A Resolution of the Governing Board of the South Florida Water Management District to approve the acquisition of land interests containing 79.93 acres, more or less, for the Biscayne Bay Coastal Wetlands Project, in Miami-Dade County, to be conveyed at no cost to the District in connection with certain mitigation requirements; providing an effective date. (Bob Schaeffer, ext. 2985)
- 29. 2007-1010** A Resolution of the Governing Board of the South Florida Water Management District to approve the acquisition of land interests containing 153.65 acres, more or less, for the Biscayne Bay Coastal Wetlands Acceler8 Phase 1 Project, Cutler Flow Way Component, in Miami-Dade County, to be conveyed at no cost to the District in connection with certain permit conditions; providing an effective date. (Bob Schaeffer, ext. 2985)

30. **2007-1011** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 9.97 acres, more or less, for the Everglades Agricultural Area Reservoir Project, Comprehensive Everglades Restoration Plan (CERP), in Palm Beach County, in the amount of \$50,000, and associated costs; for which dedicated funds (Save Our Everglades Trust Fund) are budgeted, subject to a budget amendment; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Bruce Hall, ext. 6541)
31. **2007-1012** A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 9.97 acres, more or less, in the amount of \$50,000 from Save Our Everglades Trust Fund; and associated costs; for the Everglades Agricultural Area Reservoir Project, Comprehensive Everglades Restoration Plan, (CERP) in Palm Beach County; providing an effective date. (Bruce Hall, ext. 6541)
32. **2007-1013** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year and 8-month contract with the Florida Fish and Wildlife Conservation Commission to collect additional data for understanding and predicting the effect of restoration activities on oyster habitat within the Loxahatchee River, Lake Worth Lagoon and St. Lucie Estuary in the amount of \$600,000 of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$68,167 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001084) (Patty Goodman, ext. 3716)

Executive Office

33. **2007-1014** A Resolution of the Governing Board of the South Florida Water Management District authorizing a Water Conservation Summit for the purpose of exploring and creating a comprehensive Water Conservation Program for South Florida; providing an effective date.
34. **2007-1015** A Resolution of the Governing Board of the South Florida Water Management District Proclaiming the Week of October 7 through October 13, 2007 as Customer Service Week; providing an effective date. (Deena Reppen, ext. 6263)

Ms. Wehle proclaimed the week of October 7 through October 13, 2007 as Customer Service Week.

Operations and Maintenance

35. **2007-1016** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the U.S. Geological Survey (Orlando) for ground water and surface water monitoring in the total amount of \$461,980, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001043) (Cherry James, ext. 4709)

- 36. 2007-1017** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Toler Enterprises, the lowest responsive and responsible bidder, for Side Slope Mowing Services for canal banks associated with the Homestead Field Station, in the amount of \$377,991, for which ad valorem funds of \$125,997 are budgeted; and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing an effective date. (Contract Number 4600001094) (James Barnes, ext 7008)

37. Board Vote on Consent Agenda

Mr Wade announced his abstentions: Regulatory Consent Agenda Item 14, Page 4; Peebles Ranch (Permit #22-00383W); Regulatory Consent Agenda Item 14, Page 5, Knowles Thomas Citrus Grove (Permit #26-00455W); Regulatory Consent Agenda Item 14, Page 16, Bryant Water Treatment Plant (Permit #50-01486W); Regulatory Consent Agenda Item 14, Page 10, Port Mayaca Plantation Phase 1 and 2, (Permit #43-00018S).

Mr. Gutiérrez announced his abstention: Regulatory Consent Agenda Item 14, Page 10; Port Mayaca Plantation Phase 1 and 2 (Permit #43-00018S).

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36

Vote called. Voting yes: Michael Collins, Malcolm Wade, Eric Buermann, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton. Motion passed.

Workshop Agenda

Water Resources

- 38.** Overview of Proposed Efforts between the South Florida Water Management District and St. Johns River Water Management District to Address Excess Surface Water in St. Lucie and Indian River Counties - Mark Elsner, Director, Implementation Division

Mark Elsner, Director, Implementation Division, presented information on this agenda item. Mr. Elsner reported on Phase 1 and requested Board recommendation for Phase 2.

Ms. Meeker provided comment on the discharges from the C-25 and the impacts to the Indian River Lagoon. She recommends moving to Phase 2.

Mr. Collins supports moving to Phase 2 also.

Ms. Meeker requested to get a final MOU and bring it back to the Board for approval.

Operations and Maintenance

- 39.** Water Summit Simulation Model Demonstration - Susan Sylvester, Director, Operation Control Department

This item was postponed.

Discussion Agenda

Water Resources

40. Water Conditions Report - Susan Sylvester, Department Director, Operations Control

Susan Sylvester, Director, Operations Control Department, presented information on the District's water conditions.

Ms. Sylvester reported on the installation of the temporary pumps at S-155A.

Chair Buermann asked about the annual drawdowns in the Miami canals and provided comment on the agriculture community in Miami.

Ms. Sylvester provided additional information pertaining to the drawdowns in Miami-Dade.

Ms. Estenoz asked about the Miami Dade consumptive use permit and the discharges from the structures in Miami Dade.

Mr. Merriam provided information regarding Miami Dade's permit.

Mr. Wade provided comment on Miami Dade's wells and canal discharges for flood protection.

41. Water Shortage Emergency Update & Action Items including, but not limited to, modifying restrictions in areas presently under water shortage restrictions, if necessary, additional water shortage declarations, contracts and / or any other necessary actions to address the water shortage conditions (Terrie Bates, ext. 6952)

A. Enter a Final Order concurring with the Executive Director's Emergency Order Imposing Modified Phase III and Other Appropriate Measures Affecting Portions of the Kissimmee River Valley Water Use Basin, the Entire Indian Prairie Water Use Basin and that portion of the Lakeshore Perimeter Water Use Basin that lies south of the L-59, L-60, and L-61 canals and between the Kissimmee River and the L-50 Canal, and that portion of the Istokpoga Canal that lies between the Lake and G-85 (Order No. 2007-684-DAO WS).

Terrie Bates, Deputy Executive Director, Water Resources, presented information on the water shortage updates. Ms. Bates reported on Lake Istokpoga and the Indian Prairie Basin issues.

Ms. Bates stated we are below the regulation schedule for Lake Istokpoga and presented information on the Emergency Order which was issued on October 8, 2007.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 41

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

42. Lake Okeechobee Conditions Report - Susan Gray, Deputy Department Director, Watershed Management

Susan Gray, Deputy Department Director, Watershed Management, presented an update on Lake Okeechobee's conditions. Dr. Gray reported on the water quality of the Lake and the submerged aquatic vegetation of the Lake.

Dr. Gray reported on apple snail "aquaculture".

Mr. Dauray asked about the storage of the muck removal material.

Dr. Gray provided additional information regarding the different possibilities of storing the muck removal material.

Mr. Collins provided comment on Snail Kites and the possibility of snail distribution in habitats that the District owns.

Dr. Gray said there is a need to get the native snail population up.

Mr. Wade provided comment on the agriculture service areas around the Lake.

Ms. Estenoz provided comment on citizen's perception of the drought and the importance of community outreach.

44. Deny Environmental Resource Permit Modification Application 061023-1 for a project known as Bocilla Seaport Marina (Lee County) (Robert M. Brown, ext 6283)

Robert Brown, Director, Environmental Resource Regulation Department, presented information on this agenda item.

Mr. Brown reported on the ERP application project known as Bocilla Seaport Marina. Mr. Brown said this ERP permit was denied due to technical merit.

Mr. Dauray provided comment on the protection of the seagrasses in this area.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 44

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Malcolm Wade. Not present: Harkley Thornton. Motion passed.

45. CERP Coordination - Approve Environmental Resource Permit Application 070122-23 for construction and operation of a surface water management system serving a 60-acre residential development known as Mickelson Residence (Palm Beach County) (Robert M. Brown, ext 6283)

Robert Brown, Director, Environmental Resource Regulation Department, presented information on this agenda item.

Mr. Brown reported the project surface water management system provides an additional 50% of water quality treatment and also said the permit has a special condition requiring submittal of an animal waste management plan on handling the waste material for the applicant's horses.

Staff's recommendation is approval of this ERP for construction and operation of a surface water management system to serve a 60 acre residential/recreational project known as Mickelson Residence.

Public Comment: Rosa Durando, Audubon Society, Lake Worth, reported on problems with BMPs and the disposal of equine residue. She asked about the amount of horses that will be on this property. Ms. Durando objects to this ERP permit.

Mr. Brown provided additional information on the criteria of the permit.

Chair Buermann asked if the Board has the legal authority to set a limit on the amount of horses on the property.

Ms. Meeker asked about the BMPs and also the limitation of horses on the property.

Ms. Estenoz provided comment on the Board exercising their discretion and establishing appropriate limits. She had concerns about the wastewater going to a publicly-owned wastewater treatment plant.

Mr. Dauray provided comment on the consistency of the ERP permits.

Ms. Meeker requested the management plan have restrictions.

There was Board discussion about following Homeowner's Association guidelines.

Chair Buermann suggested this case may prompt some kind of criteria or policy-making decision on this issue.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 45

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Voting no: Shannon Estenoz. Motion passed.

- 46. CERP Coordination - Approve Environmental Resource Permit Modification**
Application 060926-9 for a surface water management system serving 484.85 acres of residential development known as Bonita Beach Road Golf Club RPD aka Beach Road Golf Estates (Lee County) (Robert M. Brown, ext 6283)

Robert Brown, Director, Environmental Resource Regulation Department, presented information on the Bonita Beach Road Golf Club.

Mr. Dauray provided comment on the benefits of the flow way for the Wood Storks.

Public Comment: Jacquie Cohen, Audubon of Florida, had concerns about the small wildlife crossings at the eastern flow way.

Mr. Brown provided additional information pertaining to the small wildlife crossings.

Mary Smallwood, representing the applicant, said this was not part of the permit application. Ms. Smallwood said they would be happy to meet with Audubon of Florida to discuss this issue.

Ms. Estenoz requested permit issues be discussed before the Governing Board meetings due to time constraints at the Board meetings.

Motion made by Nicolás Gutiérrez, seconded by Michael Collins to Approve the following item(s): 46

Vote called. Voting yes: Nicolás Gutiérrez, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Malcolm Wade. Not present: Harkley Thornton. Motion passed.

- 47.** Approve Water Use Permit Application 060724-8 Town and County Utilities for 20-year permit duration to serve proposed public water supply demands on portions of the Babcock Ranch property (Charlotte and Lee Counties) (Keith Smith, ext 6620)

Keith Smith, Deputy Department Director, Water Supply Department, presented information on the this agenda item.

Mr. Smith reported on the background information on the project and a summary on the proposal.

Public Comment: Alexandria Larsen, citizen, said she has concerns about the water supply for Charlotte and Lee County.

Motion made by Charles Dauray, seconded by Melissa Meeker to Approve the following item(s): 47

Vote called. Voting yes: Charles Dauray, Melissa Meeker, Eric Buermann, Michael Collins, Shannon Estenoz, Patrick Rooney, Malcolm Wade. Not present: Nicolás Gutiérrez, Harkley Thornton. Motion passed.

- 20.** **2007-1001** A Resolution of the Governing Board of the South Florida Water Management District relating to efficiency on Governing Board Governance: Administrative Authority be delegated by the Governing Board; providing for the execution of certain powers, duties and functions by District Staff related to the Release of Conservation Easements, Restrictive Covenants or Plat Restrictions less than one acre granted pursuant to Section 704.06 F.S.; establishing the scope and terms of any delegation; providing an effective date (Anita Bain, ext 6866)

Robert Brown, Director, Environmental Resource Regulation Department, presented information on this agenda item.

Chair Buermann had concerns about the wording of the resolution.

Mr. Brown provided additional information pertaining to the revision of Section 101-46 Land Resources Delegation.

Ms. Estenoz provided comment on the releases of conservation easements and the opportunity for the public to review and provide comment to the Board.

Chair Buermann had additional questions regarding the wording of the resolution.

Susan Martin, Sr. Supervising Attorney, provided additional information regarding amending the wording in the resolution. Ms. Martin read into the record the amended wording of the resolution.

Mr. Collins moved staff's recommendation as amended, seconded by Mr. Gutiérrez. Jacquie Cohen, Audubon of Florida, commented on the release of land ownership, public discussion of these releases of conservation easements, and requested these items should be disclosed on the Governing Board Agendas.

Rosa Durando, Audubon Society, commented on conservation easements and stated there is no reference to land adjacent to conservation easement.

Public Comment: Alexandria Larsen, citizen, doesn't think this rule is necessary.

Mr. Merriam requested the Board table this motion. Mr. Merriam also asked Board direction to move these conservation easements from the Regular Consent Agenda to the Regulatory Consent Agenda (see amended motion below).

Motion made to table this agenda item and to move the release of conservation easements less than one acre from the Regular Consent Agenda to the Regulatory Consent Agenda.

Motion made by Harkley Thornton, seconded by Shannon Estenoz to Approve the following item(s): 20

Vote called. Voting yes: Harkley Thornton, Shannon Estenoz, Eric Buermann, Michael Collins, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Malcolm Wade. Motion passed.

- 69. 2007-1030** A Resolution of the Governing Board of the South Florida Water Management District authorizing the approach to be taken to address any reductions in the anticipated \$18 million state Alternative Water Supply (AWS) funding resulting from the ongoing legislative session by using allocated but unspent FY2006 and FY2007 funds that otherwise would be placed in reserves and, if necessary, reducing the funding to FY2008 Reclaimed Water Transmission/Distribution Projects approved for funding by the Governing Board on September 13, 2007. (Terrie Bates, ext. 6952)

Ernie Barnett, Director, Policy & Legislative, provided background information regarding the State budget cuts. Mr. Barnett stated there has been a \$2.4M reduction in the alternative water supply funding.

Terrie Bates, Deputy Executive Director, Water Resources, reported on the unspent funds from FY06/07 for alternative water supplies.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 69

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Malcolm Wade. Not present: Nicolás Gutiérrez, Harkley Thornton. Motion passed.

Everglades Restoration Resources

- 48. 2007-1019** A Resolution of the Governing Board of the South Florida Water Management District authorizing execution of a Memorandum of Agreement with the Florida Department of Transportation, which modifies specific obligations related to bridge construction and asphalt base materials as set forth within Memorandums of Agreement dated June 10, 2004, and July 26, 2007, and a Joint Participation Agreement dated July 20, 2007, at no cost to the District; providing an effective date. (Dewey Worth, ext. 3715)

Dewey Worth, Director, Project Management Division, presented information on this agenda item.

Mr. Worth reported on the background and alignment analysis of the C-111 Spreader Canal.

Mr. Collins provided comment on the discharges into the estuaries.

Public Comment: Jacquie Cohen, Audubon of Florida, reported they have been working with staff regarding Florida Bay and are making progress on this project.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 48

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Malcolm Wade. Not present: Nicolás Gutiérrez, Harkley Thornton. Motion passed.

- 49. 2007-1020** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year work order contract with two one-year renewal options, subject to successful negotiations, with Janus Research, Inc., one of four firms selected for Cultural Resource Reconnaissance Surveys, Monitoring and Training Services under Request for Proposal 6000000111, for which the total not-to-exceed amount for all contracts to be awarded is \$2,000,000 for which dedicated funds are budgeted; providing an effective date. (Contract Number 4600001064) (Brenda Mills, ext. 4013)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Malcolm Wade to Approve the following item(s): 49

Vote called. Voting yes: Melissa Meeker, Malcolm Wade, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton. Not present: Michael Collins, Nicolás Gutiérrez. Motion passed.

- 50. 2007-1021** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year work order contract with two one-year renewal options, subject to successful negotiations, with Southeastern Archaeological Research, Inc., one of four firms selected for Cultural Resource Reconnaissance Surveys, Monitoring and Training Services under Request for Proposal 6000000111, for which the total not-to-exceed amount for all contracts to be awarded is \$2,000,000 for which dedicated funds are budgeted; providing an effective date. (Contract Number 4600001065) (Brenda Mills, ext. 4013)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Malcolm Wade to Approve the following item(s): 50

Vote called. Voting yes: Melissa Meeker, Malcolm Wade, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton. Not present: Michael Collins, Nicolás Gutiérrez. Motion passed.

- 51. 2007-1022** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year work order contract with two one-year renewal options, subject to successful negotiations, with SouthArc, Inc., one of four firms selected for Cultural Resource Reconnaissance Surveys, Monitoring and Training Services under Request for Proposal 6000000111, for which the total not-to-exceed amount for all contracts to be awarded is \$2,000,000 for which dedicated funds are budgeted; providing an effective date. (Contract Number 4600001066) (Brenda Mills, ext. 4013)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Malcolm Wade to Approve the following item(s): 51

Vote called. Voting yes: Melissa Meeker, Malcolm Wade, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton. Not present: Michael Collins, Nicolás Gutiérrez. Motion passed.

- 52. 2007-1023** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year work order contract with two one-year renewal options, subject to successful negotiations, with Archaeological Consultants, Inc., one of four firms selected for Cultural Resource Reconnaissance Surveys, Monitoring and Training Services under Request for Proposal 6000000111, for which the total not-to-exceed amount for all contracts to be awarded is \$2,000,000 for which dedicated funds are budgeted; providing an effective date. (Contract Number 4600001067) (Brenda Mills, ext. 4013)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Malcolm Wade to Approve the following item(s): 52

Vote called. Voting yes: Melissa Meeker, Malcolm Wade, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton. Not present: Michael Collins, Nicolás Gutiérrez. Motion passed.

- 53. 2007-1024** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year work order contract with two one-year renewal options, subject to successful negotiations, with Janus Research, Inc., one of two firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes intensive subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000110, for which the total not-to-exceed amount for both contracts to be awarded is \$8,000,000 for which dedicated funds are budgeted; providing an effective date. (Contract Number 4600001062) (Brenda Mills, ext. 4013)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Charles Dauray to Approve the following item(s): 53

Vote called. Voting yes: Melissa Meeker, Charles Dauray, Eric Buermann, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Michael Collins, Nicolás Gutiérrez. Motion passed.

- 54. 2007-1025** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year work order contract with two one-year renewal options, subject to successful negotiations, with Southeastern Archaeological Research, Inc., one of two firms selected for Comprehensive Archaeological Historical Surveys and Services, which includes intensive subsurface testing, analysis and interpretation of archaeological artifacts and historical resources and development of mitigation plans, under Request for Proposal 6000000110, for which the total not-to-exceed amount for both contracts to be awarded is \$8,000,000 for which dedicated funds are budgeted; providing an effective date. (Contract Number 4600001063) (Brenda Mills, ext. 4013)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Charles Dauray to Approve the following item(s): 54

Vote called. Voting yes: Melissa Meeker, Charles Dauray, Eric Buermann, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Michael Collins, Nicolás Gutiérrez. Motion passed.

- 55. 2007-1026** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 5-year contract with Florida International University, which successfully responded to a Request for Proposals, for periphyton & aquatic fauna population research in the amount of \$1,847,724 for which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$349,201 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY13 budgets; providing an effective date. (Contract Number 4600001083) (Larry Gerry, ext. 3701)

No presentation was provided.

Ms. Meeker had concerns about having only one respondent.

Motion made by Melissa Meeker, seconded by to Approve the following item(s): 55
Vote called. Voting yes: Melissa Meeker, , Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Nicolás Gutiérrez. Motion passed.

Motion made by Melissa Meeker, seconded by Shannon Estenoz to Approve the following item(s): 55

Vote called. Voting yes: Melissa Meeker, Shannon Estenoz, Eric Buermann, Michael Collins, Charles Dauray, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Nicolás Gutiérrez. Motion passed.

Operations and Maintenance

- 56. 2007-1027** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the U.S. Geological Survey (Ft. Lauderdale) for ground water and surface water monitoring in the total amount of \$1,490,953, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001053) (Cherry James, ext. 4709)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 56

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Nicolás Gutiérrez. Motion passed.

- 68. 2007-1029** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 330 day Memorandum of Understanding with the Miccosukee Tribe of Indians of Florida, for the preparation of the design documents, permitting and construction of the L-28 Plug Phase 1 and authorize a budget transfer from dedicated funds (STA O&M Fund) in the amount of \$600,000 from "Movement of Water" to the "Everglades Program Support"; providing an effective date. (Contract Number 46/XXXX) (Rich Virgil, ext. 6759)

George Horne, Deputy Executive Director, Operations & Maintenance, reported on the L-28 Plug/Weir Placement and the requests from the Miccosukee Tribe of Florida.

Public Comment: Gene Duncan, representing the Miccosukee Tribe of Indians of Florida, supports this resolution and requests the Board to approve the resolution.

Public Comment: Dione Carroll, General Counsel, Miccosukee Tribe of Indians of Florida, thanked District staff for helping the Miccosukee Tribe and praised the partnership between the Tribe and the District.

Mr. Dauray asked about the funding for this project.

Mr. Duncan explained that it is the Tribe's project but the Tribe is requesting help from the District. Mr. Duncan provided additional information regarding the value of acreage being given back to the Everglades.

Ms. Estenoz said this is a great project returning almost 1000 acres to the Everglades.

Mr. Dauray said he is in favor of this project but has concerns about the money that is involved.

Mr. Collins provided comment on the partnerships between the District and the Tribe and the value of the land in restoring the Everglades.

Mr. Horne provided additional information on the benefits of flood control.

Mr. Wade stated his support for this resolution.

Motion made by Malcolm Wade, seconded by Shannon Estenoz to Approve the following item(s): 68

Vote called. Voting yes: Malcolm Wade, Shannon Estenoz, Eric Buermann, Michael Collins, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney. Not present: Harkley Thornton. Motion passed.

57. Public Comment

Public Comment: Rosa Durando, Audubon Society, commented on communicating with local entities regarding rock mining.

Public Hearing

Water Resources

58. Open Public Hearing

Adopt Amendments to Rules 40E-2.091, 40E-2.301, 40E-2.321, 40E-2.331, 40E-2.381, 40E-20.011, 40E-20.091, 40E-20.301, 40E-20.302, 40E-20.321, 40E-20.331 and 40E-20.381, F.A.C., and the Basis of Review for Water Use permit Applications within the South Florida Water Management District, to address permitting criteria applicable within the Central Florida Coordination Area, and to update references to the Basis of Review (Keith Smith, ext. 6620)

Continue Public Hearing

Chair Buermann opened the public hearing.

Keith Smith, Deputy Department Director, Water Supply Department, provided information on this agenda item and requested to continue the public hearing.

Public Comment: Rosa Durando, Audubon Society, Lake Worth, reported on equitable sharing of interdistrict water.

Chair Buermann continued the public hearing until November 2007.

Staff Reports

59. Office of Policy and Legislation Update - Ernie Barnett

There was no report provided.

60. General Counsel Report - Sheryl Wood

Sheryl Wood, General Counsel, stated they are assisting the Acceler8 staff in negotiating the GMP and she requested Board approval to utilize the services of Mr. Echemendia, Board Counsel. There was no objections.

61. Executive Director's Report - Carol Wehle

There was no report provided.

62. Board Comment

Mr. Gutiérrez reported on public/private participation in the Heavy Duty Equipment Operators Program in Miami Dade's public school district.

Chair Buermann stated there will be a Workshop in December on long-range water relief suggestions.

Chair Buermann reported there was a success fee paid with the Palm Beach Aggregates acquisition. Chair Buermann was pleased to announce the District has been successful in receiving \$2.4M credit and he read into the record a statement about Palm Beach Aggregates agreement.

Mr. Collins requested Board approval of Bill Hammond as the WRAC replacement for David Burr who passed away.

Chair Buermann reported a joint meeting on December 13th with the Palm Beach County Commission.

Mr. Collins requested a more detailed agenda regarding this meeting.

Closed Door Agenda

Executive Office

63. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. Sheryl G. Wood, Ext. 6976

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. Sheryl G. Wood, Ext. 6976

Chair Buermann adjourned to Closed-Door session at 12:04 pm. Chair Buermann said they would reconvene in approximately 1.5 hours.

Chair Buermann reconvened the meeting at 1:50 pm.

Sheryl Wood, General Counsel, said no action be taken at this time on this Agenda Item.

- 64.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. Sheryl G. Wood, Ext. 6976

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. Sheryl G. Wood, Ext. 6976

Sheryl Wood, General Counsel, reported no action will be taken on this agenda item.

- 65.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. Sheryl G. Wood, Ext. 6976

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. Sheryl G. Wood, Ext. 6976

Sheryl Wood, General Counsel, reported no action will be taken on this agenda item.

Adjournment

- 66. Adjourn**

Chair Buermann adjourned the meeting at 3:07 pm.

Eric Buermann
Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 66

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Nicolás Gutiérrez. Motion passed.